IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5757 OF 2005
IN
CRIMINAL APPEAL NO. 830 OF 2005

Nandu Kundalik Chavan & Anr ...Applicants

Versus

The State of Maharashtra ...Respondent

.....

Mr. Satyajeet Nigade, Advocate for Applicants

Mr. B.H. Mehta, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 7TH OCTOBER, 2005

P. C.:-

1. Heard both sides.

2. The applicants are seeking bail. The learned advocate for the applicants states that as far as the applicant No.1 is concerned, he seeks liberty to file separate application for bail annexing relevant documents. Liberty as prayed for is granted, hence, this application is being considered only in respect of applicant No.2.

3. The applicant N.2 has been convicted under Section 201 r.w. 34 of I.P.C. and he has been sentenced to R.I. to three years.

4. It is stated by the learned advocate for the applicant that the applicant was on bail pending the trial and this liberty has not been misused by him. This statement has not been controverted by the prosecution. It is further submitted by the learned advocate for the applicant that the maximum sentence imposed on the applicant is three years and this appeal is not likely to be heard within the said time.

5. The Supreme Court in the case of **Bhagwan Rama Gosai and Ors. Vs. State of Gujrat reported in (1999) 4 SCC 421,** has observed that if the sentence is of limited duration and the appeal cannot be heard expeditiously, then bail should be granted. It is not possible to hear the present appeal expeditiously. In view of all the facts and circumstances, I am inclined to grant bail.

6. The applicant No.2 Ramchandra Piraji Chavan to be released on bail in the sum of Rs.10,000/- with one or two sureties to make up the said amount. The applicant shall report on last Sunday of every month to Sangola police station, during the pendency of this appeal.

7. Application is disposed of.

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